



1PW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Toki et al.

Serial No.: 10/549,260

Filed: December 8, 2005

For: TECHNIQUES FOR REMOVING
MARKER GENES BY TRANSIENT
EXPRESSION OF SITE-SPECIFIC
RECOMBINASE GENES (AS AMENDED)

Confirmation No.: To be assigned

Examiner: To be assigned

Group Art Unit: To be assigned

Attorney Docket No.: 3240-7449US

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

February 16, 2006
Date

Signature

Aubry Blackburn
Name (Type/Print)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO/SB/08 be considered by the Examiner and made of record. Copies of foreign patent documents and non-patent literature are enclosed pursuant to 37 C.F.R. § 1.98(a)(2).

Copies of the references marked with a pound sign (#) are not provided since they were cited in the International Search Report, and as such, should have been provided by the WIPO under the exchange program between the USPTO and the JPO. The references are as follows:

Foreign Patent Documents

<u>Document No.</u>	<u>Publication Date</u>	<u>Patentee</u>
#WO 01/59086 A2	08-16-2001	Sakata Seed Corp.

Other Documents

- PCT International Search Report, PCT/JP2004/003069, dated April 20, 2004.
- ALBERT et al., "Site-specific integration of DNA into wild-type and mutant lox sites placed in the plant genome," *The Plant Journal*, 1995, pp. 649-659, Vol. 7, No.4.
- BENT, "Arabidopsis in Planta Transformation. Uses, Mechanisms, and Prospects for Transformation of Other Species," *Plant Physiology*, December 2000, pp. 1540-1547, Vol. 124.
- CHUNG et al., "Floral spray transformation can efficiently generate Arabidopsis transgenic plants," *Transgenic Research*, 2000, pp. 471-476, Vol. 9.
- LIU et al., "The univector plasmid-fusion system, a method for rapid construction of recombinant DNA without restriction enzymes," *Current Biology*, 1998, pp. 1300-1309, Vol. 8.
- LYZNIK et al., "Heat -inducible expression of FLP gene in maize cells," *The Plant Journal*, 1995, pp. 177-186, Vol. 8, No. 2.
- ONOUCHI et al., "Visualization of site-specific recombination catalyzed by a recombinase from *Zygosaccharomyces rouxii* in *Arabidopsis thaliana*," *Mol Gen Genet*, 1995, pp. 653-660, Vol 247.
- SMITH et al., "Characterization and mapping of Ds-GUS-T-DNA lines for targeted insertional mutagenesis," *The Plant Journal*, 1996, pp. 721-732, Vol. 10, No. 4.
- SUGITA et al., "A transformation vector for the production of marker-free transgenic plants containing a single copy transgene at frequency," *The Plant Journal*, 2000, pp. 461-469, Vol. 22, No. 5.
- TOKI et al., "Expression of a Maize Ubiquitin Gene Promoter-bar Chimeric Gene in Transgenic Rice Plants," *Plant Physiol.*, 1992, pp. 1503-1507, Vol. 100.
- TOKI et al., "Rapid and Efficient Agrobacterium-Mediated Transformation in Rice," *Plant Molecular Biology Reporter*, 1997, pp.16-21, Vol. 15, No. 1.

Serial No.: 10/549,260

YE et al., "Arabidopsis ovule is the target for Agrobacterium in planta vacuum infiltration transformation," The Plant Journal, 1999, pp. 249-257, Vol. 19, No. 3.

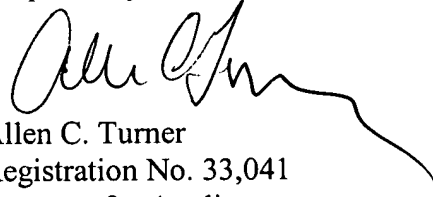
#LYZNIK et al., "Activity of yeast FLP recombinase in maize and rice protoplasts," Nucleic Acid Res., 1993, pp. 969-975, Vol. 21, No. 4.

#LLOYD et al., "Functional Expression of the yeast FLP/FRT site -specific recombination system in Nicotiana tabacum," Mol Gen Genet, 1994, pp. 653-657, Vol. 242, No. 6.

#MOTOHASHI et al., "Shiroinunazuna ni okeru Transposon Ac/Ds o Mochiita Sonyu Hen'itai Keito no Sakushutsu," Breeding Science, 1998, pp. 17, Vol. 48, separate vol. 2.

This Information Disclosure Statement is believed to be filed before the mailing date of a first Office Action on the merits; therefore, no fee is due.

Respectfully submitted,



Allen C. Turner
Registration No. 33,041
Attorney for Applicants
TRASKBRITT, P.C.
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

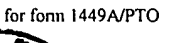
Date: February 14, 2006
ACT/alb

Enclosures: Form PTO/SB/08
Cited Documents

Document in ProLaw

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (use as many sheets as necessary)														
	Sheet	of 3												
	<div> <div>Complete if Known</div> <table border="1"> <tr> <td>Application Number</td> <td>10/549,260</td> </tr> <tr> <td>Filing Date</td> <td>December 8, 2005</td> </tr> <tr> <td>First Named Inventor</td> <td>Toki et al.</td> </tr> <tr> <td>Group Art Unit</td> <td>To be assigned</td> </tr> <tr> <td>Examiner Name</td> <td>To be assigned</td> </tr> <tr> <td>Attorney Docket Number</td> <td>3240-7449US</td> </tr> </table> </div>		Application Number	10/549,260	Filing Date	December 8, 2005	First Named Inventor	Toki et al.	Group Art Unit	To be assigned	Examiner Name	To be assigned	Attorney Docket Number	3240-7449US
	Application Number	10/549,260												
	Filing Date	December 8, 2005												
	First Named Inventor	Toki et al.												
Group Art Unit	To be assigned													
Examiner Name	To be assigned													
Attorney Docket Number	3240-7449US													

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 3

Complete if Known

Application Number	10/549,260
Filing Date	December 8, 2005
First Named Inventor	Toki et al.
Group Art Unit	To be assigned
Examiner Name	To be assigned
Attorney Docket Number	3240-74491US

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		PCT International Search Report, PCT/JP2004/003069, dated April 20, 2004.	
		ALBERT et al., "Site-specific integration of DNA into wild-type and mutant lox sites placed in the plant genome," The Plant Journal, 1995, pp. 649-659, Vol. 7, No.4.	
		BENT, "Arabidopsis in Planta Transformation. Uses, Mechanisms, and Prospects for Transformation of Other Species," Plant Physiology, December 2000, pp. 1540-1547, Vol. 124.	
		CHUNG et al., "Floral spray transformation can efficiently generate Arabidopsis transgenic plants," Transgenic Research, 2000, pp. 471-476, Vol. 9.	
		LIU et al., "The univector plasmid-fusion system, a method for rapid construction of recombinant DNA without restriction enzymes," Current Biology, 1998, pp. 1300-1309, Vol. 8.	
		LYZNIK et al., "Heat -inducible expression of FLP gene in maize cells," The Plant Journal, 1995, pp. 177-186, Vol. 8, No. 2.	
		ONOUCHI et al., "Visualization of site-specific recombination catalyzed by a recombinase from Zygosaccharomyces rouxii in Arabidopsis thaliana," Mol Gen Genet, 1995, pp. 653-660, Vol 247.	
		SMITH et al., "Characterization and mapping of Ds-GUS-T-DNA lines for targeted insertional mutagenesis," The Plant Journal, 1996, pp. 721-732, Vol. 10, No. 4.	
		SUGITA et al., "A transformation vector for the production of marker-free transgenic plants containing a single copy transgene at frequency," The Plant Journal, 2000, pp. 461-469, Vol. 22, No. 5.	
		TOKI et al., "Expression of a Maize Ubiquitin Gene Promoter-bar Chimeric Gene in Transgenic Rice Plants," Plant Physiol., 1992, pp. 1503-1507, Vol. 100.	
		TOKI et al., "Rapid and Efficient Agrobacterium-Mediated Transformation in Rice," Plant Molecular Biology Reporter, 1997, pp.16-21, Vol. 15, No. 1.	

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 3 of 3

Complete if Known

Application Number	10/549,260
Filing Date	December 8, 2005
First Named Inventor	Toki et al.
Group Art Unit	To be assigned
Examiner Name	To be assigned
Attorney Docket Number	3240-74491US

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		YE et al., "Arabidopsis ovule is the target for Agrobacterium in planta vacuum infiltration transformation," The Plant Journal, 1999, pp. 249-257, Vol. 19, No. 3.	
		#LYZNIK et al., "Activity of yeast FLP recombinase in maize and rice protoplasts," Nucleic Acid Res., 1993, pp. 969-975, Vol. 21, No. 4.	
		#LLOYD et al., "Functional Expression of the yeast FLP/FRT site -specific recombination system in Nicotiana tabacum," Mol Gen Genet, 1994, pp. 653-657, Vol. 242, No. 6.	
		#MOTOHASHI et al., "Shiroinunazuna ni okeru Transposon Ac/Ds o Mochiita Sonyu Hen'itai Keito no Sakushutsu," Breeding Science, 1998, pp. 17, Vol. 48, separate vol. 2.	

Examiner
SignatureDate
Considered

#Copies of the references are not provided since they were cited in the International Search Report, and as such, should have been provided by the WIPO under the exchange program between the USPTO and the JPO.

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.